

Beiersdorf 597-WCG  
6713-hf

*[Handwritten Signature]*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Oliver NICKEL

Serial No. : 09/431,849

Filed : November 2, 1999

For : MASKING STRIP AND THE USE THEREOF

Art Unit : Not Assigned

Examiner : Not Assigned

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January 28, 2000

Box MISSING PARTS  
Assistant Commissioner  
For Patents  
Washington, D.C. 20231

SIR:

**COMMUNICATION RE: FILING OF DECLARATION ON  
A DATE LATER THAN THE FILING DATE OF THE APPLICATION**

This is in response to the Notice to File Missing Parts of Application under 37 CFR 1.53(d) and the Notification of a Defective Oath or Declaration, both dated December 3, 1999 in the above-identified application. A copy of said Notices are attached hereto.

It is requested that the papers submitted herewith be joined up with the papers previously filed in this Application.

Applicant is:

a small entity       verified statement attached

other than a small entity       verified statement filed

It is requested that the surcharge for the filing of the Declaration be charged to the undersigned's Deposit Account No. 14-1263.

Please charge:

- [ ] \$ 65.00 for small entity  
[X] \$130.00 for other than small entity.

An extra copy of this communication is appended hereto for accounting purposes.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

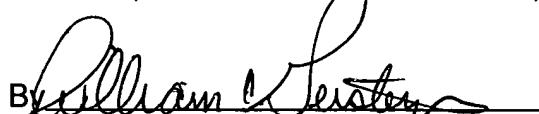
If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS, P.A.

By   
William C. Gerstenzang  
Reg. No. 27,552

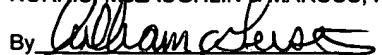
WCG:kts

Enc. - Declaration and Power of Attorney  
- Copy of Notice of Missing Parts

660 White Plains Road  
Tarrytown, N.Y. 10591  
(914) 332-1700

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Asst. Commissioner For Patents, Washington, D.C. 20231 on January 28, 2000.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By  Date 1/28/00

Please type a plus sign (+) inside this box 

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. Department of Commerce

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**TRANSMITTAL  
FORM**

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PATENT & TRADEMARK OFFICE  
*(used for all correspondence after initial filing)*

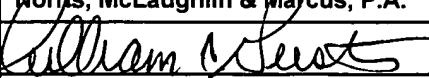
Total Number of Pages in This Submission		Serial Number 09/431,849
		File Date November 2, 1999
		First Named Inventor Oliver NICKEL
		Group Art Unit TBA
		Examiner Name TBA
		Attorney Docket Number BEIERSDORF 597-WCG

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip(PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> To convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i>  - Combined Declaration/Power of Attorney, executed by the inventor - A copy of Notice to File Missing Parts
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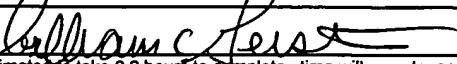
Remarks:

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	William C. Gerstenzang Norris, McLaughlin & Marcus, P.A.	
Signature		Reg. No. 27,552
Date	January 28, 2000	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: January 28, 2000.

Typed or printed name	William C. Gerstenzang
Signature	

Date      January 28, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**O I P E**  
**JG3**  
**FEB - 8 2000**

# FEE TRANSMITTAL

## for FY 2000

Patent fees are subject to annual revision.  
 Small Entity payments must be supported by a small entity statement,  
 otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
 See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT	(\$)	130.00
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Complete if Known	
Application Number	09/431,849
Filing Date	November 2, 1999
First Named Inventor	Oliver NICKEL
Examiner Name	To Be Assigned
Group / Art Unit	To Be Assigned
Attorney Docket No.	BEIERSDORF 597-WCG

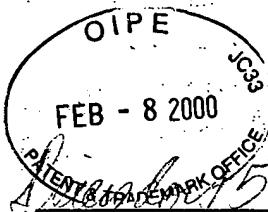
METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																																											
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  Deposit Account Number <span style="border: 1px solid black; padding: 2px;">14-1263</span>		<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Large Entity Fee Code (\$)</th> <th style="width: 15%;">Small Entity Fee Code (\$)</th> <th style="width: 15%;">Fee</th> <th style="width: 15%;">Fee</th> <th style="width: 15%;">Fee Description</th> <th style="width: 15%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td style="text-align: right;">130.00</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>280</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>690</td><td>246</td><td>345</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>690</td><td>249</td><td>345</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td colspan="4" style="padding: 5px;">Other fee (specify) _____</td><td colspan="2"></td></tr> <tr><td colspan="4" style="padding: 5px;">Other fee (specify) _____</td><td colspan="2"></td></tr> <tr> <td colspan="2" style="text-align: right; 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	William C. Gerstenzang	Registration No. (Attorney/Agent)	27,552
Signature			
Date	(914) 332-1700		
Date	January 28, 2000		

## WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY/DOCKET NO./TITLE

09/431,849 11/02/99 NICKEL

BEIERSDORF-5

WILLIAM C GERSTENZANG  
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660 WHITE PLAINS ROAD  
TARRYTOWN NY 10591

0262-1273

NOT ASSIGNED

1774

DATE MAILED:

12/03/99

## NOTICE TO FILE MISSING PARTS OF APPLICATION

## Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

small entity (statement filed)  non-small entity is \$130.

1. The statutory basic filing fee is:

missing.

insufficient.

Applicant must submit \$ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ for total claims over 20.

\$ for independent claims over 3.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.

does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*S.A.* A copy of this notice MUST be returned with the reply.